S.B. Criminal Misc. Bail Application No.3294/2006

Date : 04.09.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. Vijay Bishnoi and Mr. K.L. Vishnoi for the applicant.

Mr. V.R. Mehta, Public Prosecutor.

Mr. Pradeep Shah for complainant.

I have heard learned counsel for the applicant, learned Public Prosecutor for the State as well as learned counsel for the complainant and carefully gone through the impugned order.

Learned counsel for the applicant submits that co-accused has already been enlarged on bail by this Court in S.B. Criminal Misc. Bail Application No.3293/2006 vide order dated 30.08.2006 and the case of the present applicant is not different than the co-accused who has already been granted bail, therefore, the applicant may also be enlarged on bail.

On the other hand, learned Public Prosecutor and learned counsel for the complainant vehemently opposed the bail application and submitted that it is not a case where indulgence should be given to the applicant as the case is one under Section 307 IPC.

Taking into consideration the overall facts and circumstances of the present case and the fact that co-accused has already been enlarged on bail by this Court in S.B. Criminal Misc. Bail Application No.3293/2006 vide order dated 30.08.2006 and the case of the present applicant is not different than the co-accused who has already been granted bail, therefore, I deem it just and proper to enlarge the accused applicant on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Hari Ram son of Koshala Ram be released on bail in FIR No.74/2006 P.S. Sedwa, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum

of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

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